IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 462 OF 2005

IN

FIRST APPEAL NO. 80 OF 1999

RUI FERNANDES ....Applicants

Versus

SPECIAL LAND ACQUISITION OFFICER AND ANR., ...Respondents

Shri Shivan Desai, Advocate for the applicant.

Shri Emerico Afonso, Advocate for the respondents.

Coram:- S.S. PARKAR, J.

Date:- 3rd August, 2005

P.C.

As per the calculation given by the learned Counsel for Konkan Railway Corporation Ltd., out of the amount deposited in this Court on 30th November, 1999 i.e. Rs. 7,17,744.20, the applicant herein is entitled to withdraw a sum of Rs.3,35,867-20 and the balance will have to be refunded to Konkan Railway Corporation Ltd. It is not disputed that the applicants are entitled for refund of Rs.3,35,867/- (which includes the amount of statutory interest payable by the Corporation being a sum of Rs.1,59,934/-) after deducting 10 % tax payable on the amount of interest. The calculation sheet is taken on record and marked "X" for identification.

It is not in dispute that out of the sum of Rs. 3,35,867/- which includes the above interst amount accrued on the amount of compensation, the claimant/applicant is entitled to the above amount after

deducting 10 % tax payable on the amount of interest along with the interst that may have accrued in the Bank, after deducting 10 % tax therefrom.

In the result, the applicant is allowed to withdraw the sum of Rs.3,35,867/- along with the interest accrued in the Bank after deducting the 10 % tax payable on the total amount of interest, including the interest of Rs.1,59,934/-. A sum of Rs.3,81,877.20 along with the accrued interest in the Bank, after deducting 10 % tax shall be paid to the Konkan Railway Corporation Ltd. The application is disposed of accordingly.

Copy of this order, duly authenticated, be issued to the parties.

S.S. PARKAR, J.